

**EXHIBIT 11**  
**FILED UNDER SEAL**

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Page 1

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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FAIR ISAAC CORPORATION, a )  
Delaware corporation, )  
 )  
Plaintiff, )  
 )  
vs. ) Case No.:  
 ) 16-CV-1054 (WMW/DTS)  
FEDERAL INSURANCE COMPANY, )  
an Indiana corporation, and )  
ACE AMERICAN INSURANCE )  
COMPANY, a Pennsylvania )  
corporation, )  
 )  
Defendants. )

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VIDEOTAPED DEPOSITION OF  
CHASE McCARTHY

DATE: 04/23/2020  
TIME: 9:30 a.m.  
PLACE: 18 Charlotte Drive  
Bridgewater, New Jersey 08807

REPORTED BY: Merilee Johnson, RDR, CRR, CRC, RSA  
(via videoconference)

JOB NO.: MW4024408

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<p style="text-align: right;">Page 58</p> <p>1 A. That's what it was. It was used by ACE</p> <p>2 agents.</p> <p>3 Q. Do you know, was this project accomplished?</p> <p>4 A. I believe it was.</p> <p>5 Q. If you'll go to the folder titled "!!Marked</p> <p>6 Exhibits," I've placed into that folder an exhibit</p> <p>7 titled Pandey 283. If you could open that up.</p> <p>8 MR. FLEMING: Where did you say that</p> <p>9 was, Heather?</p> <p>10 MS. KLIEBENSTEIN: I put it in the</p> <p>11 Marked Exhibits folder.</p> <p>12 MR. FLEMING: Okay.</p> <p>13 A. (Reviewing document.) Okay.</p> <p>14 Q. Mr. McCarthy, have you seen this email and</p> <p>15 its attachment before?</p> <p>16 A. I don't recall seeing this.</p> <p>17 Q. You're listed on this email chain, correct?</p> <p>18 A. (Reviewing document.)</p> <p>19 Q. Actually, I don't think you are.</p> <p>20 A. I don't see my name.</p> <p>21 MR. FLEMING: I thought I had gone</p> <p>22 blind.</p> <p>23 Q. Mr. McCarthy, are you familiar with the</p> <p>24 business requirements document that's attached to</p> <p>25 this email for the project name titled "CUW-IM</p>	<p style="text-align: right;">Page 60</p> <p>1 Q. My question is: After the merger, were</p> <p>2 legacy ACE underwriters given access to the CUW</p> <p>3 application?</p> <p>4 A. I wouldn't know if they were given access.</p> <p>5 Q. Maybe I asked that question wrong. I don't</p> <p>6 mean access to the underlying application, I mean</p> <p>7 the portal that the underwriters used.</p> <p>8 Do you know if legacy underwriters used the</p> <p>9 CUW portal after the merger?</p> <p>10 A. You're using the term "portal," and that</p> <p>11 doesn't -- I don't understand the way that you're</p> <p>12 asking the question.</p> <p>13 Q. I'll ask it a different way.</p> <p>14 When underwriters use the CUW application,</p> <p>15 what do they interface with?</p> <p>16 A. There's a CUW interface that they would</p> <p>17 access.</p> <p>18 Q. After the merger, were legacy ACE</p> <p>19 underwriters allowed to use the CUW interface?</p> <p>20 A. I do not know. I do not know.</p> <p>21 MR. FLEMING: Heather, when you're done</p> <p>22 with this question, could we take a lunch break</p> <p>23 when you're done with this document, I guess?</p> <p>24 MS. KLIEBENSTEIN: Yeah. I think I'm</p> <p>25 done with that. I think we can take a lunch break.</p>
<p style="text-align: right;">Page 59</p> <p>1 Support for ACE Processing"?</p> <p>2 A. No.</p> <p>3 Q. Did you have any involvement in that</p> <p>4 project?</p> <p>5 A. Not that I recall. No.</p> <p>6 Q. For the CUW application, is that</p> <p>7 application used by underwriters or agents?</p> <p>8 A. It's -- CUW is a broad application. I</p> <p>9 wouldn't be able to answer that definitively.</p> <p>10 Q. Do you know if underwriters use the CUW</p> <p>11 application?</p> <p>12 A. Yes.</p> <p>13 Q. And who were the underwriters employed by?</p> <p>14 A. Chubb underwriters are employed by Chubb.</p> <p>15 Q. Do you know if any legacy ACE underwriters</p> <p>16 used the CUW application?</p> <p>17 A. Could you be more specific with your</p> <p>18 question?</p> <p>19 Q. The CUW application existed before the</p> <p>20 merger, correct?</p> <p>21 A. Yes.</p> <p>22 Q. And before the merger, legacy Chubb</p> <p>23 underwriters, only, used the application, correct?</p> <p>24 A. I'm not sure they're the only people that</p> <p>25 used it.</p>	<p style="text-align: right;">Page 61</p> <p>1 THE VIDEOGRAPHER: We're going off the</p> <p>2 record. The time is 11:58.</p> <p>3 (A break was taken at 11:58 a.m.)</p> <p>4 THE VIDEOGRAPHER: We are back on the</p> <p>5 record. This is the start to Media No. 3. The</p> <p>6 time is 1:04.</p> <p>7 BY MS. KLIEBENSTEIN:</p> <p>8 Q. Mr. McCarthy, in connection with this case,</p> <p>9 have you assisted in pulling any gross written</p> <p>10 premium figures?</p> <p>11 A. Yes.</p> <p>12 Q. From what applications?</p> <p>13 A. From IRMA, TAPS, and for CUW-IM.</p> <p>14 Q. I've moved into the Marked Exhibits a</p> <p>15 document titled Phillips 566. Let me know when you</p> <p>16 have that open.</p> <p>17 A. I have it open. I'm just looking at it</p> <p>18 quickly.</p> <p>19 Q. Sure. Take your time. And I'm going to be</p> <p>20 turning to page -- the bottom of page 5, top of</p> <p>21 page 6.</p> <p>22 A. (Reviewing document.) Okay.</p> <p>23 Q. And looking at the bottom of page 5, top of</p> <p>24 page 6, the data that's on those pages, is that the</p> <p>25 data that you helped to pull for the CUW-IM</p>

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<p style="text-align: right;">Page 62</p> <p>1 application?</p> <p>2 A. Yes.</p> <p>3 Q. Can you explain for me what information is</p> <p>4 reflected in each column at the top of page 6.</p> <p>5 A. Yeah. So we were asked to produce a report</p> <p>6 by year and then by writing company. And then for</p> <p>7 each writing company, show the policy count and the</p> <p>8 written premium for that writing company by year.</p> <p>9 Q. And are those policy counts and written</p> <p>10 premiums in connection with which Blaze Advisor</p> <p>11 software was used?</p> <p>12 A. Not necessarily.</p> <p>13 Q. If I look in the paragraph at the bottom of</p> <p>14 page 5, it says, "For the Chubb Commercial</p> <p>15 Insurance (CCI) business unit for the years</p> <p>16 identified below (post-merger), the following</p> <p>17 applications use Blaze Advisor software: CUW-IM,</p> <p>18 TAPS, and IRMA. The approximate gross written</p> <p>19 premiums, policy counts, and identification of the</p> <p>20 insurance writing companies that issued insurance</p> <p>21 policies that used these applications, in</p> <p>22 connection with which Blaze Advisor software was</p> <p>23 used, is provided in the charts below for the years</p> <p>24 requested."</p> <p>25 So to confirm, the data that begins on the</p>	<p style="text-align: right;">Page 64</p> <p>1 the data, the policy counts and written premiums,</p> <p>2 from 2017 and beyond more likely touched a business</p> <p>3 rule in Blaze Advisor than the data from 2016?</p> <p>4 A. In 2016, it's possible that a transaction</p> <p>5 associated with a policy had a business rule</p> <p>6 associated with it, but that transaction did not</p> <p>7 necessarily reflect the actual premium booking</p> <p>8 processing.</p> <p>9 Q. And why not -- why did that transaction not</p> <p>10 necessarily reflect the actual premium booking</p> <p>11 processing?</p> <p>12 A. Because it may have been a subsequent</p> <p>13 transaction.</p> <p>14 Q. But that's not the case for the 2017 and</p> <p>15 beyond data; is that right?</p> <p>16 A. It's much less likely that would be the</p> <p>17 case for 2017 and thereafter, yes.</p> <p>18 Q. And what I want to know is, what's</p> <p>19 different? What's different about the system,</p> <p>20 2016, compared to 2017, that creates that result?</p> <p>21 A. A transaction that took place in 2016 could</p> <p>22 have been for a policy that was still in force but</p> <p>23 that was booked in 2015.</p> <p>24 Q. How did you go about gathering the data</p> <p>25 that's reflected under the heading for "CUW-IM" in</p>
<p style="text-align: right;">Page 63</p> <p>1 top of page 6, does that include policies and</p> <p>2 written premiums that did not touch Blaze Advisor</p> <p>3 software?</p> <p>4 A. Possibly.</p> <p>5 Q. How do I know which policies did or did not</p> <p>6 touch Blaze Advisor software?</p> <p>7 A. For this extract, the premium in 2016 does</p> <p>8 not necessarily reflect premium that had any</p> <p>9 association with a business rule.</p> <p>10 Q. What about for 2017?</p> <p>11 A. With greater confidence, 2017 and</p> <p>12 thereafter, it's more likely that the premium is</p> <p>13 associated with a business rule.</p> <p>14 Q. And why is the data from 2016 different?</p> <p>15 A. The way the request came in, as I recall,</p> <p>16 if any transaction occurred and it went to CUW-IM,</p> <p>17 we were to identify the premium associated with</p> <p>18 that policy.</p> <p>19 Q. Okay. That still doesn't explain to me why</p> <p>20 the data for 2016 is less likely to have touched a</p> <p>21 business rule than the data from 2017 and beyond.</p> <p>22 Can you answer that question?</p> <p>23 A. I didn't -- if you could ask it as a</p> <p>24 question, because that wasn't a question.</p> <p>25 Q. Why is the -- why is it more likely that</p>	<p style="text-align: right;">Page 65</p> <p>1 this exhibit?</p> <p>2 A. That's a very complicated question to</p> <p>3 answer.</p> <p>4 Q. What were the steps you took to retrieve</p> <p>5 the data that's under this heading?</p> <p>6 A. So we used client data and a policy ID, and</p> <p>7 we associated that with premium data according to</p> <p>8 this criteria: year and written company.</p> <p>9 Q. What type of client data?</p> <p>10 A. Client data that is part of CUW.</p> <p>11 Q. And how did you go about isolating policies</p> <p>12 that touched CUW-IM?</p> <p>13 A. We pulled the data from a database.</p> <p>14 Q. What database?</p> <p>15 A. Database associated with inventory</p> <p>16 management and CUW.</p> <p>17 Q. And there's a footnote at the bottom of</p> <p>18 this exhibit on page 6, and it says, "We understand</p> <p>19 that this financial information includes policies</p> <p>20 that were brought in under a system that includes</p> <p>21 policies that are renewed using Blaze, but</p> <p>22 automatically at the same time includes the prior</p> <p>23 transaction involving the same policy regardless</p> <p>24 whether it uses Blaze."</p> <p>25 A. Right.</p>

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<p style="text-align: right;">Page 66</p> <p>1 Q. Do you understand what that sentence means?</p> <p>2 A. Yeah. That's what I was referring to</p> <p>3 earlier.</p> <p>4 Q. So I'm not clear as to what that sentence</p> <p>5 means. Could you give me -- could you give me an</p> <p>6 example of this problem that's illustrated in</p> <p>7 footnote 1?</p> <p>8 A. Yeah. So if a policy was booked but then a</p> <p>9 subsequent transaction required a business rule, we</p> <p>10 would have captured the premium from that original</p> <p>11 policy when we pulled up this report, because of</p> <p>12 that subsequent transaction that had business rules</p> <p>13 associated with it.</p> <p>14 Q. And isolating on the phrase "subsequent</p> <p>15 transaction," what is a subsequent transaction?</p> <p>16 Can you give me examples?</p> <p>17 A. Could be a zero dollar endorsement of some</p> <p>18 coverage that Chubb offers but we process that</p> <p>19 transaction as an endorsement.</p> <p>20 Q. Any other examples come to mind?</p> <p>21 A. A cancellation. Could be a number of</p> <p>22 different things.</p> <p>23 Q. Any other examples come to mind?</p> <p>24 A. I mean, I'm going to give you generic</p> <p>25 examples, but those are the types of things, you</p>	<p style="text-align: right;">Page 68</p> <p>1 just to make sure I'm understanding you.</p> <p>2 Q. Can I tell from looking at the data on</p> <p>3 page 6 of 566 what policies were booked without use</p> <p>4 of Blaze Advisor and then a subsequent transaction</p> <p>5 in CUW-IM required use of a business rule from</p> <p>6 Blaze Advisor?</p> <p>7 A. Can you tell? No. From the report you</p> <p>8 can't tell -- you can't discern that.</p> <p>9 Q. I see Chubb Insurance Company of Canada</p> <p>10 listed as a writing company on page 6 of</p> <p>11 Exhibit 566. Does that refresh your recollection</p> <p>12 as to whether CUW-IM was used in Canada?</p> <p>13 A. It doesn't refresh my memory. No.</p> <p>14 Q. And then moving down to the bottom of</p> <p>15 page 7. Is this the data that you pulled for the</p> <p>16 TAPS application?</p> <p>17 A. Yes.</p> <p>18 Q. And the policies and the gross written</p> <p>19 premiums reflected, those each touched Blaze</p> <p>20 Advisor; is that right?</p> <p>21 A. In this case, I believe so.</p> <p>22 Q. Moving back to CUW, that application is</p> <p>23 used by, in part -- well, sorry, let me ask that a</p> <p>24 different way.</p> <p>25 Is the CUW application used by agents or</p>
<p style="text-align: right;">Page 67</p> <p>1 know, that would be described as transactions.</p> <p>2 Q. So we've got a zero dollar endorsement and</p> <p>3 a cancellation. Are there any other general types</p> <p>4 of subsequent transactions you can think of?</p> <p>5 A. A reinstatement of the policy.</p> <p>6 Q. Anything else?</p> <p>7 A. I mean, there are a number of different</p> <p>8 types of transactions.</p> <p>9 Q. I understand --</p> <p>10 A. But those -- yeah.</p> <p>11 Q. I understand that --</p> <p>12 A. So it --</p> <p>13 MR. FLEMING: Wait, wait. Okay. So</p> <p>14 the pending question now is . . .</p> <p>15 Q. Do you have any more examples?</p> <p>16 A. I'm probably not the best person to provide</p> <p>17 additional examples of transactions.</p> <p>18 Q. So no additional examples come to mind?</p> <p>19 A. Not at this time.</p> <p>20 Q. Can I tell -- from looking at this data on</p> <p>21 page 6 of Exhibit 566, can I tell what policies --</p> <p>22 what policies were booked without use of Blaze</p> <p>23 Advisor and then a subsequent transaction required</p> <p>24 a business rule from Blaze Advisor?</p> <p>25 A. Sorry. Just repeat the question again,</p>	<p style="text-align: right;">Page 69</p> <p>1 underwriters or both?</p> <p>2 MR. FLEMING: Objection. That's been</p> <p>3 asked and answered.</p> <p>4 MS. KLIEBENSTEIN: Yeah. I just can't</p> <p>5 recall the answer.</p> <p>6 A. Oh, okay. I can't recall -- I can't recall</p> <p>7 if it's used by agents. It is used by</p> <p>8 underwriters. I believe that was my answer before.</p> <p>9 Q. And what about the TAPS application, is</p> <p>10 that used by agents or underwriters or somebody</p> <p>11 else?</p> <p>12 A. I believe it's an internal application.</p> <p>13 I'm not sure, but I believe that's correct.</p> <p>14 Q. And underwriters -- the underwriters using</p> <p>15 the CUW-IM, the CUW application, are the</p> <p>16 underwriters employed by the writing companies</p> <p>17 listed on pages 6 and 7 of Exhibit 566?</p> <p>18 MR. FLEMING: Objection. Lack of</p> <p>19 foundation.</p> <p>20 A. I would not know about that.</p> <p>21 Q. Moving to the IRMA data on page 8, is this</p> <p>22 the data that you pulled for this lawsuit in</p> <p>23 connection with the IRMA application?</p> <p>24 A. Yes.</p> <p>25 Q. And does this reflect the policies and</p>



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<p style="text-align: right;">Page 70</p> <p>1 written premiums that touch Blaze Advisor in the</p> <p>2 IRMA application?</p> <p>3 A. Yes.</p> <p>4 Q. Are you familiar with the Evolution</p> <p>5 application in Canada?</p> <p>6 A. I'm not familiar with it. Could you ask</p> <p>7 that differently?</p> <p>8 Q. I don't -- was there something unclear</p> <p>9 about the question?</p> <p>10 A. "Familiar." I've heard the name.</p> <p>11 Q. Does the Evolution application fall under</p> <p>12 your umbrella of job responsibilities?</p> <p>13 A. No, they do not.</p> <p>14 Q. I've moved into the Marked Exhibit folder</p> <p>15 an exhibit entitled Harkin 407. Are you familiar</p> <p>16 with this exhibit?</p> <p>17 A. Sorry. It's still loading.</p> <p>18 Q. Oh. And I'd like to focus on the Answer to</p> <p>19 Interrogatory No. 16 in this Exhibit 407.</p> <p>20 A. Just one second. It's having difficulty</p> <p>21 loading. Which page are you on?</p> <p>22 Q. Going to start on page 6.</p> <p>23 A. Okay. Okay. Yeah, okay.</p> <p>24 Q. And so starting on page 6 through 8,</p> <p>25 there's policy counts and gross written premium</p>	<p style="text-align: right;">Page 72</p> <p>1 footnote that we saw in Exhibit 566.</p> <p>2 Do you know why that is?</p> <p>3 A. No.</p> <p>4 Q. Do the policy counts --</p> <p>5 A. Sorry. Sorry. I'm thinking about your</p> <p>6 question more.</p> <p>7 Yeah, sorry. I'll stay with my answer.</p> <p>8 I'm not sure why there's not a footnote there.</p> <p>9 Q. Should it have the same footnote?</p> <p>10 A. I'm thinking about it. Probably the answer</p> <p>11 to that is yes.</p> <p>12 Q. And why do you say that?</p> <p>13 A. It would be the same scenario as the</p> <p>14 previous data that we collected.</p> <p>15 Q. Is there a way for me to identify which</p> <p>16 gross written premiums are from a policy that was</p> <p>17 booked that did not touch Blaze Advisor, but yet</p> <p>18 were involved in a subsequent transaction that did</p> <p>19 touch Blaze Advisor?</p> <p>20 A. Is there a way? Technically, I would think</p> <p>21 that there is a way to do it, yes.</p> <p>22 Q. But looking at this interrogatory answer, I</p> <p>23 cannot do that, correct?</p> <p>24 A. Not based on that information as it is.</p> <p>25 Q. Can you explain for me the technical way to</p>
<p style="text-align: right;">Page 71</p> <p>1 figures for the CUW-IM application from years 2008</p> <p>2 through 2012. And I'm wondering, did you pull that</p> <p>3 information?</p> <p>4 A. No, I didn't.</p> <p>5 Q. Do you know who did?</p> <p>6 A. Yes.</p> <p>7 Q. Who?</p> <p>8 A. That's an engineer that works in my group.</p> <p>9 Q. And what was that engineer's name?</p> <p>10 A. Peter Muller.</p> <p>11 Q. Was he working at your request?</p> <p>12 A. Yes.</p> <p>13 Q. Do you know how he pulled this data? What</p> <p>14 steps did he take?</p> <p>15 A. So the request -- the way the request was</p> <p>16 made, we pulled policies and associated them with</p> <p>17 the writing company by year, and their written</p> <p>18 premium from two different sources.</p> <p>19 Q. And what are those two different sources?</p> <p>20 A. One would have been from a database from</p> <p>21 CUW. And for some of the policies, we would have</p> <p>22 pulled premium from Genius, which is a different</p> <p>23 system.</p> <p>24 Q. Now, I notice the data associated with</p> <p>25 CUW-IM in this response does not have the same</p>	<p style="text-align: right;">Page 73</p> <p>1 sort out those different buckets?</p> <p>2 A. I am not a data analyst, so I wouldn't feel</p> <p>3 comfortable answering that question.</p> <p>4 Q. Moving on to page 8 of Exhibit 407. Did</p> <p>5 you collect the data for the IRMA application</p> <p>6 that's in this exhibit?</p> <p>7 A. No, I did not.</p> <p>8 Q. Did someone at your direction?</p> <p>9 A. Yes.</p> <p>10 Q. Who did that?</p> <p>11 A. An engineer that works on my team.</p> <p>12 Q. And the same name as before?</p> <p>13 A. Pete -- Peter Muller. Yes.</p> <p>14 Q. And do you know, how did he go about</p> <p>15 retrieving this data? What steps did he take?</p> <p>16 A. For IRMA?</p> <p>17 Q. Yes.</p> <p>18 A. There's a database associated directly with</p> <p>19 the application, and he pulled that data from the</p> <p>20 production maintenance.</p> <p>21 Q. And the written premium dollars and the</p> <p>22 policy counts, each touched Blaze Advisor in the</p> <p>23 IRMA application?</p> <p>24 A. That was the basis for creating the report.</p> <p>25 Q. Chubb's damages expert stated in his report</p>

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<p style="text-align: right;">Page 74</p> <p>1 that the CUW gross written premium data that we</p> <p>2 just looked at captured -- included policies that</p> <p>3 were captured multiple times in the data for other</p> <p>4 applications, such as CSI Express and Premium</p> <p>5 Bookings.</p> <p>6 Do you agree with that statement?</p> <p>7 A. I don't know who the damage expert is. At</p> <p>8 least I don't recall. But I would say that</p> <p>9 that's -- I'm sorry. For which applications were</p> <p>10 you talking about just now?</p> <p>11 Q. I'll read it for -- I'll read the statement</p> <p>12 for you again.</p> <p>13 A. Okay.</p> <p>14 Q. This is what the -- this is what Chubb's</p> <p>15 damages expert wrote in his report. He wrote, "The</p> <p>16 CUW gross written premium data relied upon included</p> <p>17 policies that were captured multiple times in the</p> <p>18 data for other applications such as CSI Express and</p> <p>19 Premium Bookings."</p> <p>20 And my question is: Do you agree with that</p> <p>21 statement?</p> <p>22 A. I can answer that yes and no.</p> <p>23 Q. Why do you answer that question yes?</p> <p>24 A. Well, because for some applications we</p> <p>25 know, or we believe, that the premium and the</p>	<p style="text-align: right;">Page 76</p> <p>1 My question was: Did you agree with this</p> <p>2 statement, where Chubb's damages expert wrote, "The</p> <p>3 CUW gross written premium data relied upon included</p> <p>4 policies that were captured multiple times in the</p> <p>5 data for other applications such as CSI Express and</p> <p>6 Premium Bookings"?</p> <p>7 Earlier you answered yes and no to that</p> <p>8 question, and I want to know why you answered no,</p> <p>9 in part.</p> <p>10 A. No, in the sense that it was my</p> <p>11 understanding that CSI Express was using Inventory</p> <p>12 Management, and recently I learned that it was not</p> <p>13 using CSI Express for its assignment of -- or for</p> <p>14 its business rules.</p> <p>15 So in CSI Express, the answer would be no.</p> <p>16 Q. So there was a use of the word "it" in your</p> <p>17 answer that confuses me. So are you saying that</p> <p>18 CSI Express does not use CUW-IM for its assignment</p> <p>19 of business rules?</p> <p>20 A. That's correct.</p> <p>21 Q. And did it at one time -- did CSI Express</p> <p>22 at one time use the CUW-IM application for</p> <p>23 assignment of business rules?</p> <p>24 A. Not to my knowledge right now.</p> <p>25 Q. So I moved to the Marked Exhibits folder an</p>
<p style="text-align: right;">Page 75</p> <p>1 reports would also appear in the CUW-IM.</p> <p>2 Q. So, for example, are you saying that in the</p> <p>3 CSI Express application, the premium and -- the</p> <p>4 premiums are showing up in both the CSI Express and</p> <p>5 the CUW-IM reports?</p> <p>6 A. No. No.</p> <p>7 Q. How did I get that wrong?</p> <p>8 A. Not in that case.</p> <p>9 Q. So how did I get that wrong?</p> <p>10 A. I'm not sure when that information was</p> <p>11 captured.</p> <p>12 Q. When what information was captured?</p> <p>13 A. What you just told me, that the CSI Express</p> <p>14 premium was double counting the premiums for</p> <p>15 CUW-IM.</p> <p>16 Q. So this concern of capturing data multiple</p> <p>17 times in different application reports, is that the</p> <p>18 same concern or a different concern than what we</p> <p>19 saw in footnote 1?</p> <p>20 A. That's -- I think that's separate. That's</p> <p>21 a separate issue.</p> <p>22 Q. It's a separate issue.</p> <p>23 So going back up to your yes and no answer,</p> <p>24 I'll repeat the question again so that you can have</p> <p>25 it fresh in your mind.</p>	<p style="text-align: right;">Page 77</p> <p>1 exhibit titled Bakewell 525.</p> <p>2 A. Okay.</p> <p>3 Q. Let me know when you've had it open and</p> <p>4 you're ready for questions. And you can -- there's</p> <p>5 a zoom feature to look closer at the document.</p> <p>6 So this was produced to us titled "Blaze IM</p> <p>7 Extract Final." This is simply one page of</p> <p>8 possibly a 10,000-page text file.</p> <p>9 A. Mm-hmm.</p> <p>10 Q. Are you familiar with this -- the data in</p> <p>11 this file?</p> <p>12 A. No, I'm not.</p> <p>13 Q. Chubb's damages expert characterized this</p> <p>14 document as the gross written premium data that</p> <p>15 removes policies that ran through both CUW and</p> <p>16 another application, specifically CSI Express and</p> <p>17 Premium Booking.</p> <p>18 Does that help refresh your recollection?</p> <p>19 A. No.</p> <p>20 Q. Were you asked -- after you pulled the data</p> <p>21 that was reflected in the interrogatory responses</p> <p>22 that we just looked at, were you asked to revise</p> <p>23 and repull the data on policies and gross written</p> <p>24 premiums for the CUW-IM application?</p> <p>25 A. (No response.)</p>

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<p style="text-align: right;">Page 78</p> <p>1 Q. Mr. McCarthy, did you hear my question?</p> <p>2 MS. KLIEBENSTEIN: Can anybody hear me?</p> <p>3 Terry, can you hear me?</p> <p>4 MR. FLEMING: I can hear you.</p> <p>5 MR. YOUNG: I can hear you.</p> <p>6 MS. KLIEBENSTEIN: Can Chase hear me?</p> <p>7 No? I'm confused. Mr. McCarthy?</p> <p>8 (Technical interruption.)</p> <p>9 THE VIDEOGRAPHER: We're going off the</p> <p>10 record. The time now is 1:50.</p> <p>11 (A break was taken at 1:50 p.m.)</p> <p>12 THE VIDEOGRAPHER: We are back on the</p> <p>13 record. The time now is 1:51.</p> <p>14 BY MS. KLIEBENSTEIN:</p> <p>15 Q. All right. My last question, Mr. McCarthy,</p> <p>16 was: After you pulled the data reflected in the</p> <p>17 interrogatory responses we just looked at, were you</p> <p>18 reasked -- were you asked to revise and repull that</p> <p>19 data for policies and gross written premium for the</p> <p>20 CUW-IM application?</p> <p>21 A. Yes.</p> <p>22 Q. And do you know one way or the other</p> <p>23 whether that data that you repulled is shown in</p> <p>24 Bakewell Exhibit 525?</p> <p>25 A. I'm trying to recall this, because I think</p>	<p style="text-align: right;">Page 80</p> <p>1 THE WITNESS: Well --</p> <p>2 MR. FLEMING: Just one second, Chase.</p> <p>3 Do you hear me?</p> <p>4 THE WITNESS: Yeah, yeah, I hear you.</p> <p>5 MR. FLEMING: Okay. To the extent that</p> <p>6 communication was with Chris Bakewell and counsel,</p> <p>7 I will direct you not to answer on the grounds of</p> <p>8 attorney-client work product privilege.</p> <p>9 MS. KLIEBENSTEIN: Well, the trouble</p> <p>10 with that is Mr. Bakewell cites conversations with</p> <p>11 Mr. McCarthy as support that he's relied on, and</p> <p>12 that can't be shielded from discovery.</p> <p>13 MR. FLEMING: Yeah, that's fair enough.</p> <p>14 Didn't Chase already answer the question? I don't</p> <p>15 have the text up here that I'm going to stream.</p> <p>16 Merilee, would you mind stating -- reading</p> <p>17 the answer that Mr. McCarthy gave.</p> <p>18 (The preceding portion was read back as</p> <p>19 follows:</p> <p>20 "QUESTION: Do you recall speaking with</p> <p>21 Chubb's damages expert who's working on</p> <p>22 this case?</p> <p>23 ANSWER: I may have -- through your</p> <p>24 prompting and by the question, I think I</p> <p>25 may have had a conversation. I just --</p>
<p style="text-align: right;">Page 79</p> <p>1 that there were two reports and I'm just not sure</p> <p>2 which one of those would be in this exhibit that</p> <p>3 you're talking about right now.</p> <p>4 The Bakewell 5 -- oh, no, the Bakewell 525,</p> <p>5 is that the one that you're talking about right</p> <p>6 now?</p> <p>7 Q. Yes. And it -- when it was produced to us,</p> <p>8 it was entitled "Blaze IM Extract Final."</p> <p>9 A. Okay. I'm not familiar with this document.</p> <p>10 Q. It was produced to us as a very large text</p> <p>11 file.</p> <p>12 A. No.</p> <p>13 Q. Does that refresh your recollection?</p> <p>14 A. No. I don't recall this document.</p> <p>15 Q. Do you recall speaking with Chubb's damages</p> <p>16 expert who's working on this case?</p> <p>17 A. I may have -- through your prompting and by</p> <p>18 the question, I think I may have had a</p> <p>19 conversation. I just -- it's not a clear memory.</p> <p>20 But I can imagine I would have spoken with someone</p> <p>21 like that.</p> <p>22 Q. Do you recall any parts of that</p> <p>23 conversation?</p> <p>24 MR. FLEMING: Well, just one minute.</p> <p>25 To the extent that --</p>	<p style="text-align: right;">Page 81</p> <p>1 it's not a clear memory. But I can imagine</p> <p>2 I would have spoken with someone like</p> <p>3 that.")</p> <p>4 MS. KLIEBENSTEIN:</p> <p>5 Q. And then my follow-up was: Do you recall</p> <p>6 any parts of that conversation?</p> <p>7 A. No. Not really, no.</p> <p>8 Q. Mr. McCarthy, I've marked and introduced</p> <p>9 Exhibit 574. Do you recall receiving an email in</p> <p>10 April of 2016 from Ramesh Pandey titled "Forward -</p> <p>11 FICO Notice of Termination Chubb Blaze"?</p> <p>12 A. I don't recall that email.</p> <p>13 Q. Do you know why you would have received</p> <p>14 FICO's notice of termination of the Blaze license</p> <p>15 in 2016?</p> <p>16 MR. FLEMING: I'll object. Lack of</p> <p>17 foundation.</p> <p>18 A. I would say it probably had to do with work</p> <p>19 that we were doing with Specialty Insurance.</p> <p>20 Q. And what work was that?</p> <p>21 A. We were working on CSI Express.</p> <p>22 Q. What work were you doing on CSI Express?</p> <p>23 A. We were looking to move it over to a legacy</p> <p>24 ACE platform for the business.</p> <p>25 Q. And was CSI Express ultimately moved over</p>



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<p style="text-align: right;">Page 82</p> <p>1 to a legacy ACE platform?</p> <p>2 A. I'm not the best person to answer that</p> <p>3 because I moved off of that project shortly</p> <p>4 after -- around that date.</p> <p>5 Q. Who would know the answer to that question?</p> <p>6 A. Ramesh. Ramesh Pandey would probably know</p> <p>7 the answer.</p> <p>8 Q. And why was -- why was -- why were you part</p> <p>9 of a group -- strike that.</p> <p>10 Why was the company trying to move CSI</p> <p>11 Express to a legacy ACE platform?</p> <p>12 A. Because it had been selected as our target</p> <p>13 platform for that business unit under the new</p> <p>14 Chubb.</p> <p>15 Q. And why did you move off of that project?</p> <p>16 A. At that time I took on a new role under</p> <p>17 Mike Butler as the chief architect for PRS.</p> <p>18 Q. And PRS stands for what again?</p> <p>19 A. Personal risk services.</p> <p>20 Q. Back in 2016 when you were working with</p> <p>21 CSI Express, do you know, did CSI Express interface</p> <p>22 with the CUW application at all?</p> <p>23 A. So I would not have been able to answer</p> <p>24 that question at that time. I wasn't aware.</p> <p>25 Q. Can you answer that question today?</p>	<p style="text-align: right;">Page 84</p> <p>1 record. The time now is 2:04.</p> <p>2 (A break was taken at 2:04 p.m.)</p> <p>3 THE VIDEOGRAPHER: We are back on the</p> <p>4 record. This is the start to Media No. 4. The</p> <p>5 time is 2:19 p.m.</p> <p>6 BY MS. KLIEBENSTEIN:</p> <p>7 Q. Mr. McCarthy, can you go in the Marked</p> <p>8 Exhibits folder and pull up Exhibit 176?</p> <p>9 A. Sure. (Reviewing document.)</p> <p>10 Q. So in this exhibit there's a two-page</p> <p>11 email, along with an attachment behind it.</p> <p>12 A. Okay.</p> <p>13 Q. Do you recall receiving this email?</p> <p>14 A. I'm just having a look at it just now.</p> <p>15 (Reviewing document.) Okay.</p> <p>16 MR. FLEMING: Wait. I don't know if</p> <p>17 there's a pending question or not.</p> <p>18 Q. Yes. It was: Do you recall receiving this</p> <p>19 email?</p> <p>20 A. Right. I'm just looking. I'm trying to</p> <p>21 recall -- Duff &amp; Phelps rings a bell. I can't</p> <p>22 remember exactly in what context this email was</p> <p>23 sent. So I don't have clear recollection of the</p> <p>24 email.</p> <p>25 Q. The attachment is entitled "ACE Chubb</p>
<p style="text-align: right;">Page 83</p> <p>1 A. Yeah.</p> <p>2 Q. And what's the answer today?</p> <p>3 A. So CSI Express does not interface with</p> <p>4 CUW-Inventory Management for assignment.</p> <p>5 Q. Has CSI Express ever interfaced with</p> <p>6 CUW-IM?</p> <p>7 A. I'm not the best person to answer that.</p> <p>8 Q. So you don't know, one way or the other?</p> <p>9 A. Not definitively.</p> <p>10 Q. Does CSI Express interface with CUW?</p> <p>11 A. Yes.</p> <p>12 Q. If I wanted to find out the answer to the</p> <p>13 question whether CSI Express has ever interfaced</p> <p>14 with CUW-IM, who would I ask?</p> <p>15 A. Someone under the -- probably the best</p> <p>16 person would be someone in the architecture group</p> <p>17 that was assigned to that area. And Ramesh Pandey,</p> <p>18 for example, would be such a person.</p> <p>19 Q. What about Henry Mirolyuz?</p> <p>20 A. I don't know if he could answer that</p> <p>21 question or not.</p> <p>22 MR. FLEMING: Heather, we've been going</p> <p>23 about an hour. Can we take a short break?</p> <p>24 MS. KLIEBENSTEIN: Yeah.</p> <p>25 THE VIDEOGRAPHER: We are going off the</p>	<p style="text-align: right;">Page 85</p> <p>1 Valuation_December 2015." Did you have any role in</p> <p>2 creating the attachment?</p> <p>3 A. Based on the content -- I mean, I can -- I</p> <p>4 don't recall having direct input on this document.</p> <p>5 Q. Do you know what this document is?</p> <p>6 A. If you do and you described it to me, I</p> <p>7 might be able to recall.</p> <p>8 Q. In the upper left-hand corner, I see the</p> <p>9 phrase "Business Application Inventory and</p> <p>10 Assessment." Does that refresh your recollection?</p> <p>11 A. I see that. I can't tell you definitively</p> <p>12 what this document is for.</p> <p>13 Q. Can you move to the second page of the</p> <p>14 attachment. At the top, there's a row with the</p> <p>15 product name CUW.</p> <p>16 Do you see that?</p> <p>17 A. On the second page?</p> <p>18 Q. Correct. It's page 5 of the entire</p> <p>19 document; page 2 of the attachment.</p> <p>20 A. All right. Yes, I see it. Yes.</p> <p>21 Q. And product name CUW, the description of</p> <p>22 use states, "The Commercial Underwriting</p> <p>23 Workstation provides an electronic environment to</p> <p>24 support and enhance the commercial underwriting</p> <p>25 business process. It provides quick access to key</p>